Notice of Allowability	Application No.	Applicant(s)	
	10/647,819	THOMAS ET AL.	
	Examiner	Art Unit	
	John Sipos	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *8/4 & 11/14/2005*.

2. ☒ The allowed claim(s) is/are *1-69*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

The objection to the declaration and the rejection of the claims as being based on a defective reissue declaration are withdrawn in view of the August 4, 2005 submission of a proper declaration.

The previous double patenting rejection on US Patent 6,427,421 and the double patenting rejection on US Patent 6,148,588 discussed in the interview with Applicant's representative on November 10, 2005 (which rejection was also made in the parent patent of the instant application) are withdrawn in view of the submission of proper Terminal Disclaimers.

The prior art rejection is withdrawn in view of the August 4, 2005 accepted submission of Rule 131 Affidavit and exhibits to predate the applied reference to McMahon.

All claims, 1-69, are allowed.

Applicant representative, Mr. John Getz, was informed by Examiner John Sipos on August 10, 2006 that the Amendment of June 30, 2006 was not timely filed, i.e. seven months after the mailing of the non-compliance letter of November 18, 2005, and therefore it has not been entered. As per the following pages claims 1-69 have been rewritten with the proper status identifiers.

Any inquiry concerning this communication should be directed to **Examiner John Sipos** at telephone number **571-272-4468.** The examiner can normally be reached from 6:30 AM to 4:00 PM Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Rinaldi Rada, can be reached at **571-272-4467**.

John Sipos
Primary Examiner

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1. (Original) A method of filling a package made from a continuous web of material, comprising:

providing a plurality of interconnected packages made from said web, each package including first and second opposing body panels joined along a pair of sides and a bottom bridging the sides, the package including a fastener attached to the first body panel along a mouth portion of the package disposed opposite the bottom, the fastener initially being at least partially unattached to the second body panel while the fastener is attached to the first body panel;

separating each package from said plurality of interconnected packages;

filling the separated package with a product via a fill opening between the fastener and the second body panel; and

attaching the fastener to the second body panel of the filled package to seal the fill opening.

2. (Original) The method of claim 1, wherein the fastener includes first and second interlocking profiles and first and second fins extending from the respective profiles, the first and second fins being joined along the breakable area of weakness, the first fin being attached to the first body panel, the second fin being at least partially unattached to the second body panel while the fastener is attached to the first body panel.

3. (Original) The method of claim 2, wherein the fill opening in the step of filling the package is between the second fin and the second body panel.

4. (Original) The method of claim 3, wherein the step of attaching the fastener to the second body panel includes attaching the second fin to the second body panel.

5. (Original) The method of claim 1 further including the step of sealing said first and second body panels above said fastener.

6. (Original) A method of making and filling a package, comprising:

providing a package including first and second opposing body panels;

attaching a fastener to the first body panel along a mouth portion of the package;

attaching said first and second panels to each other to form a pair of sides and a bottom bridging the sides opposite the fastener;

filling the package with a product via a fill opening between the fastener and the second body panel; and

attaching the fastener to the second body panel to seal the fill opening.

7. (Original) The method of claim 6, wherein the fastener includes first and second interlocking profiles and first and second fins extending from the respective profiles, the fill opening in the step of filling the package being between the second fin and the second body panel, wherein the step of attaching the fastener to the first body panel includes attaching the first

fin to the first body panel, and wherein the step of attaching the fastener to the second body panel includes attaching the second fin to the second body panel.

8. (Original) The method of claim 7, wherein the first and second fins are joined to each other along the breakable area of weakness.

9. (Original) A method of making and filling packages, comprising:

providing a plastic web and a fastener in a longitudinal direction;

folding the web to provide first and second opposing panels joined along a longitudinal bottom;

attaching the fastener to an inner surface of the first panel near a longitudinal edge thereof opposite the longitudinal bottom;

sealing the first and second panels to each other at spaced seals transverse to the longitudinal direction to form the packages;

filling each package with a product via a fill opening between the fastener and the second panel; and

attaching the fastener to an inner surface of the second panel to seal the fill opening.

10. (Original) The method of claim 9, wherein said bottom includes a gusset.

11. (Original) A method of filling a package made from a continuous web of material, comprising:

providing a plurality of interconnected packages made from said web, each package including two panels defining a mouth portion and a reclosable fastener that is useful for opening and closing said mouth portion after said package is filled, said fastener having a final attachment position on said two panels and being attached to said two panels along only a portion of said final attachment position so as to define an unattached segment and an attached segment of said fastener, said unattached segment and the adjacent one of said two panels define a fill opening therebetween;

filling said separated package with a product through said fill opening; and

separating each package from said plurality of interconnected packages;

attaching said unattached segment of said fastener to said panels along the entirety of said final attachment position.

12. (Original) The method of claim 11, wherein said package includes a bottom with a gusset.

13. (Original) The method of claim 11, wherein said fastener includes a first interlocking profile with a first fin and second interlocking profile with a second fin.

14. (Original) The method of claim 13, wherein said first and second fins are joined along a breakable area of weakness.

15. (Original) The method of claim 13, wherein, during said providing step, said first fin is attached to a first one of said two panels along said final attachment position and said second fin is at least partially unattached to a second one of said two panels along said final attachment position, said second fin and said second panel defining said fill opening.

16. (Original) The method of claim 14, wherein said second fin is entirely unattached to said second one of said two body panels along said final attachment position.

17. (New) A method of making and filling packages, comprising:

providing first and second opposing panels of a plastic web and a fastener in a longitudinal direction;

attaching said fastener to an inner surface of said first panel;

sealing said first and second panels to each other at spaced seals transverse to said longitudinal direction to form said packages;

filling each package with a product via a fill opening between said fastener and said second panel; and

attaching said fastener to an inner surface of said second panel to seal said fill opening.

18. (New) A method of filling a package, made from a continuous web of material comprising:

providing a plurality of interconnected packages made from said web, each package including first and second opposing body panels joined along a pair of sides and a bottom bridging said sides, said package including a fastener attached to said first

body panel along a mouth portion of said package disposed opposite said bottom, said fastener including first and second interlocking profiles, and first and second fins extending from said respective profiles, said first fin being attached to said first body panel, said second fin being at least partially unattached to said second body panel while said first fin is attached to said first body panel, said package further including a tamper-evident feature positioned below said first and second interlocking profiles;

separating each package from said plurality of interconnected packages;

filling said separated package with a product via a fill opening between said fastener and said second body panel; and

attaching said fastener to said second body panel of said filled package to seal said fill opening.

19. (New) The method of claim 18, wherein said fill opening for filling said package is between said second fin and said second body panel.

20. (New) The method of claim 19, wherein said attaching said fastener to said second body panel includes attaching said second fin to said second body panel.

21. (New) The method of claim 18, further including sealing said first and second body panels above said fastener.

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22. (New) The method of claim 18, wherein said tamper-evident feature is a breakable area of weakness on at least one of said first and second fins.

23. (New) A method of making and filling a package, comprising:

providing a package including first and second opposing body panels;

attaching a fastener to said first body panel along a mouth portion of said package, said fastener including first and second interlocking profiles, first and second fins extending from said respective profiles, and a breakable area of weakness providing a tamper-evident feature, said first fin being attached to said first body panel, said second fin being at least partially unattached to said second body panel while said first fin is attached to said first body panel;

attaching said first and second panels to each other to form a pair of sides and a bottom bridging said sides opposite said fastener;

filling said package with a product via a fill opening between said fastener and said second body panel; and

attaching said fastener to said second body panel to seal said fill opening.

24. (New) The method of claim 23, wherein said fill opening in filling said package is between said second fin and said second body panel, and wherein attaching said fastener to said second body panel includes attaching said second fin to said second body panel.

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25. (New) A method of making and filling packages, comprising:

providing a plastic web and a fastener in a longitudinal direction, said fastener including first and second interlocking profiles, first and second fins extending from said respective profiles, and a breakable area of weakness;

folding said web to provide first and second opposing panels joined along a longitudinal bottom;

attaching said fastener to an inner surface of said first panel near a longitudinal edge thereof opposite said longitudinal bottom;

sealing said first and second panels to each other at spaced seals transverse to said longitudinal direction to form said packages;

filling each package with a product via a fill opening between said fastener and said second panel; and

attaching said fastener to an inner surface of said second panel to seal said fill opening.

26. (New) The method of claim 25, wherein said bottom includes a gusset.

27. (New) A method of filling a package made from a continuous web of material, comprising:

providing a plurality of interconnected packages made from said web, each package including first and second body panels defining a mouth portion and a reclosable fastener that is useful for opening and closing said mouth portion after said package is filled, said fastener having a final attachment position on said first and second body panels and being attached to said first and second body panels along

only a portion of said final attachment position so as to define an unattached segment and an attached segment of said fastener, said unattached segment and said adjacent second body panel defining a fill opening therebetween, said fastener including first and second interlocking profiles and first and second fins extending from said respective profiles, said first fin being attached to said first body panel, said second fin being at least partially unattached to said second body panel while said first fin is attached to said first body panel, each of said packages including a tamper-evident feature below said first and second interlocking profiles;

filling said package with a product through said fill opening;

separating each package from said plurality of interconnected packages; and

attaching said unattached segment of said fastener to said panels along the entirety of said final attachment position.

28. (New) The method of claim 27, wherein said tamper-evident feature is a breakable area of weakness on at least one of said first and second fins.

29. (New) The method of claim 27, wherein said first fin is attached to said first body panel along an entire length of said package during said filling step.

30. (New) A method of making a reclosable package, comprising:

supplying a web of plastic material in a longitudinal direction, said web having first and second opposing body panels;

supplying a reclosable fastener including a first profile and a second profile adapted to releasably interlock with said first profile, said fastener including a slider for opening and closing said first and second profiles;

with said slider attached to said reclosable fastener, attaching said first profile to said first panel;

creating individual packages from said web and said recloseable fastener;

filling said individual package with a product via a fill opening between said second profile and said second panel; and

attaching said second profile to said second panel to seal said fill opening.

31. (New) The method of claim 30, wherein said bottom includes a gusset that expands in response to filling said package with said product.

32. (New) The method of claim 30, wherein said supplying said web includes folding said web to develop said first and second opposing body panels.

33. (New) The method of claim 30, further including separating said individual packages from a remainder of said web.

34. (New) The method of claim 30, wherein said fastener includes a plurality of first sealant ribs on an outer surface of said second profile to facilitate attaching said second profile to said second panel.

35. (New) The method of claim 30, further including a tamper-evident feature below said first and second profiles.

36. (New) The method of claim 35, wherein said tamper-evident feature is a breakable area of weakness on at least one of a pair of fins attached to said first and second profiles.

37. (New) The method of claim 30, further including creating end terminations on said individual packages for stopping movement of said slider.

38. (New) The method of claim 30, further including sealing said first and second body panels above said fastener.

39. (New) The method of claim 30, wherein said attaching said first profile to said first panel occurs along an entire length of said individual package.

40. (New) The method of claim 30, wherein said attaching said first profile to said first panel occurs via attaching to said first panel a structure that is connected to said first profile.

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41. (New) The method of claim 40, wherein said connected structure is a fin connected to said first profile.

42. (New) A method of filling a package made from a continuous web of material comprising:

providing a plurality of interconnected packages made from said web, each package including first and second opposing body panels joined along a pair of sides and a bottom bridging said sides, said package including a fastener attached to said first body panel along a mouth portion of said package disposed opposite said bottom and a slider for opening and closing said fastener, said fastener including first and second interlocking profiles and first and second fins extending from said respective profiles, said fastener initially being at least partially unattached to said second body panel while said fastener is attached to said first body panel;

separating each package from said plurality of interconnected packages;

filling said separated package with a product via a fill opening between said fastener and said second body panel;

attaching said fastener to said second body panel of said filled package to seal said fill opening; and

sealing said first and second body panels above said fastener.

43. (New) The method of claim 42, wherein said fill opening is between said second fin and said second body panel.

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44. (New) The method of claim 42, wherein said fastener is entirely unattached to said second opposing body panel before filling said separated package.

45. (New) The method of claim 42, further including folding said web to provide said bottom and said first and second opposing body panels.

46. (New) The method of claim 45, wherein said attaching said fastener to said first body panel occurs after folding said web.

47. (New) The method of claim 42, wherein said slider is attached to said fastener prior to said fastener being attached to said first body panel of said web.

48. (New) A method of filling a package made from a continuous web of material comprising:

providing a plurality of interconnected packages made from said web, each package including first and second opposing body panels joined along a pair of sides and a bottom bridging said sides, said package including a fastener attached to said first body panel along a mouth portion of said package disposed opposite said bottom and a slider for opening and closing said fastener, said fastener including first and second interlocking profiles and first and second fins extending from said respective profiles, said fastener initially being at least partially unattached to said second body panel while said fastener is attached to said first body panel;

creating a pair of end terminations for stopping movement of said slider near said respective sides of said package;

separating each package from said plurality of interconnected packages;

filling said separated package with a product via a fill opening between said fastener and said second body panel;

attaching said fastener to said second body panel of said filled package to seal said fill opening; and

sealing said first and second body panels above said fastener.

49. (New) The method of claim 48, wherein said fill opening is between said second fin and said second body panel, wherein said attaching said fastener to said first body panel includes attaching said first fin to said first body panel, and wherein attaching said fastener to said second body panel includes attaching said second fin to said second body panel.

50. (New) The method of claim 48, wherein said fastener is entirely unattached to said second body panel before filling said separated package.

51. (New) The method of claim 48, wherein said bottom is formed by folding said web.

52. (New) The method of claim 51, wherein attaching said fastener to said first body panel occurs after folding said web.

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53. (New) The method of claim 48, wherein said slider is attached to said fastener prior to said fastener being attached to said first body panel of said web.

54. (New) The method of claim 48, wherein said first fin is attached to said first body panel along an entire length of said package during said filling step.

55. (New) A method of filling a package made from a continuous web of material, comprising:

attaching a reclosable fastener with an attached slider to a web, said reclosable fastener including a first profile and a second profile adapted to releasably interlock with said first profile, said first profile being attached to said web, said slider for opening and closing said first and second profiles;

creating individual reclosable packages from said web and said recloseable fastener;

filling each of said individual packages with a product via a fill opening between said second profile and said web; and

attaching said second profile to said second panel to seal said fill opening in said individual packages.

56. (New) The method of claim 55, wherein said web includes first and second body panels, and said method including sealing said first and second body panels above said fastener.

57. (New) The method of claim 56, wherein said package further includes a tamper-evident feature below said first and second profiles.

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58. (New) The method of claim 57, wherein said tamper-evident feature is a breakable area of weakness on at least one of a pair of fins attached to said first and second profiles.

59. (New) The method of claim 55, wherein said package further includes a tamper-evident feature below said first and second profiles.

60. (New) The method of claim 55, further including creating a pair of end terminations for stopping movement of said slider near respective sides of said package.

61. (New) The method of claim 60, wherein said web includes first and second body panels, and further including sealing said first and second body panels above said fastener.

62. (New) The method of claim 55, wherein said plurality of interconnected packages includes a bottom disposed opposite of said fill opening, further including folding said web to form said bottom and said first and second panels.

63. (New) The method of claim 55, wherein said first fin is attached to said first body panel along an entire length of said package during said filling step.

64. (New) A method of filling a package made from a continuous web of material, comprising:

providing a plurality of interconnected packages made from said web, each package including first and second body panels defining a mouth portion and a reclosable

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fastener that is useful for opening and closing said mouth portion after said package is filled, said fastener having a final attachment position on said first and second body panels and being attached to said first and second body panels along only a portion of said final attachment position so as to define an unattached segment and an attached segment of said fastener, said unattached segment partially defining a fill opening;

filling said package with a product through said fill opening;

separating each package from said plurality of interconnected packages; and

attaching said unattached segment of said fastener to said panels along the entirety of said final attachment position.

65. (New) The method of claim 64, wherein said package includes a tamper-evident feature below said fastener.

66. (New) The method of claim 65, wherein said tamper-evident feature is a breakable area of weakness on at least one of a pair of fins attached to said first and second profiles.

67. (New) The method of claim 65, wherein said fastener includes a slider, said slider being attached to said fastener prior to said fastener being attached along said final attachment position.

68. (New) The method of claim 64, further including sealing said first and second body panels above said fastener.

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69. (New) The method of claim 64, wherein said fastener includes a slider, said slider being attached to said fastener prior to said fastener being attached along said final attachment position.